DOCUMENT RESUME

ED 307 178 SO 019 820

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TITLE Patrick Henry.
PUB DATE 88
NOTE 36p.
PUB TYPE Historical Materials (060)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Biographies; *Colonial History (United States); *Patriotism; *Political Attitudes; Political Influences; Political Power; *Revolutionary War (United States)
IDENTIFIERS Eighteenth Century; *Henry (Patrick); Virginia

ABSTRACT

Patrick Henry dominated the politics of Virginia and was a powerful voice in the affairs of the early United States. He became a lawyer at age 23 and rose to prominence following his victory in "The Parsons Case." Soon after, he was elected to the House of Burgesses where he challenged the control of the wealthy, established members and shocked people with his seemingly treasonous attack on the Stamp Act of 1764. At the first colonial convention in Philadelphia, Patrick met John and Sam Adams and other prominent patriots who were convinced that war with England was inevitable. In March 1775, calling for immediate war mobilization, he delivered his famous "give me liberty, or give me death" speech. This propelled him to national prominence as a leader among patriots and their most brilliant orator. He was elected Colonel of Virginia's First Regiment and the Commander-in-Chief of all Virginian troops. In June of 1776, Henry and his cohorts urged the Continental Congress to declare independence, and secured the approval of a Declaration of Rights for Virginia--thereby advancing the cause of religious liberty. Henry was elected Virginia's first governor under the state's new constitution. Refusing a fourth term, he declined all offers of national office and devoted himself to the Virginia Assembly. He refused to participate in the Constitutional Convention of 1787 and rallied the support of anti-ratification delegates in Virginia. He remained Virginia's most powerful statesman until his death in 1799. Eleven references are included. (GEA)

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PATRICK HENRY

by

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1988

SO 019820

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PATRICK HENRY

The year after a well-known lawyer declined an appointment to the United Senate the President of the United States urged him to become his Secretary of State and he also refused to assume that very distinguished office. The President then asked him to become the Chief Justice of the United States Supreme Court. Incredible as it seems, he again declined. The following year he also declined offers to become Governor of his state, Ambassador to Spain and Ambassador to France. What lawyer could possibly have declined every one of these appointments to such highly prized and prestigious positions? The answer: a very independent one - Patrick Henry of Virginia.

Practically all Americans know him as the patriot who shouted "Give me Liberty or give me death". Not many realize what an important person he was throughout the revolutionary period. As a result of his political sagacity, his energy and courage, and most important, his eloquence, he almost completely dominated the politics of the largest and most important state, Virginia, and was one of the most powerful voices in early national affairs.

Born May 29, 1736 at Studley, Hanover County, Virginia, he attended school until about ten years of age. During his youth his distaste for his lessons was in contrast to his love of

hunting and fishing. His father, a native of Scotland and apparently a man of considerable education, attempted to continue his schooling at home without much success, young Patrick continuing to show no brilliance and no interest.

Either because of the modest circumstance of his family or his disinclination to study, Patrick started to clerk in a store at age 15. After a short experience as a store clerk, his father put up sufficient money for Patrick and his brother, William, to start a small store of their own. Patrick was said to have been more interested in arguing with the customers than with making a profit. By the end of the year the store had gone bankrupt and had to be closed.

Not disspirited by his impecunious position, he then, at age 18, and with no apparent means of support, married Sarah Shelton, whose family was both as respectable as Henry's family and as modest in wealth. The two families together did manage to start Patrick and his young bride on a small farm with a couple of slaves but after only two years of the grubbiness of being that kind of a dirt farmer Patrick concluded it was not his idea of a good life. Selling the farm, he courageously, in view of his prior experience, invested all proceeds of the sale in another store, but his courage produced nothing but another failure.

The details of Patrick's life for the next few years are disputed by the historians. Some say that in order to support his growing family he was reduced to tending bar in his father-in-law's tavern. Others deny that he ever tended the bar but concede that he did help operate the tavern. There is no doubt that at age 23 he decided to study law although there is also a dispute as to exactly how long he pursued that study before submitting himself to be examined on his legal knowledge. Some say it was only six weeks while others say it was nine months. All seem to agree it was limited to a study of Coke on Littleton which was not much legal education even in those days.

Not knowing what the examination would be like, it was probably with neither fear he would fail nor confidence he would pass that he traveled to Williamsburg and submitted himself to four, but to only one at a time, very distinguished Virginians who were the law examiners: George Wythe, John and Peyton Randolph, and Robert Nicholas. There are several versions as to exactly how these distinguished lawyers reacted upon examining this coarsely dressed young applicant from the country. All versions leave the strong impression that none of the four was of the opinion that Henry knew any law but all four were impressed with his general intelligence and were confident he could learn. It was on that basis that his application was approved. Henry became a lawyer and his real career commenced.

Using a room in his father-in-law's tavern as his law office and working hard now that he had found work that he liked, Patrick's practice for the first few years was like that of most young lawyers starting on his own. Then came what has since been called "The Parsons Case" which started his climb to eminence as a trial lawyer.

The Episcopalian Church being recognized as the state religion and tobacco being Virginia's principal crop, the Episcopal clergy had for years been paid pursuant to statute in tobacco at the rate of 16,000 pounds per year. In 1758 the legislature provided that for that year the clergy would be required to accept the equivalent of the 16,000 pounds in depreciated paper currency at the rate of two pence per pound of tobacco. Instead of receiving 400 pounds, the market value of 16,000 pounds of tobacco, each clergy was required to accept 138 pounds in paper money which itself was depreciated in Virginia and worthless elsewhere. The 1758 Act had never been approved by the King, which approval was required to make it legally effective, but the British governor for political reasons had permitted it to become effective nevertheless. After exhausting his other remedies a Reverend James Maury sued the vestry to recover his full pay in Hanover County, where Henry was practicing. When the very prominent lawyer employed by the vestry rested its defense upon the 1758 Act, the court held because the King had not formally approved it, the 1758

Act had never become law. Patrick's father, although not a lawyer, sat as one of the three judges. Having lost what he believed was the vestry's only defense, the prominent lawyer abandoned the case and left town. The vestry, either because they thought the Henry father and son relation might be helpful or because they couldn't induce a better known lawyer to represent them in such seemingly hopeless circumstances, employed young Patrick Henry to minimize, if possible, the amount of the damages which the jury would certainly award to Maury.

The court room was full of ministers and taxpayers, all of whom were interested but from opposite points of view. Probably no one of them had ever heard young Patrick make an argument before. Faced with the court's ruling that the 1758 Act was invalid, all were wondering how he could possibly prevent Maury from recovering the full amount due under the old law. But no one of them could possibly have anticipated either the illogic of Henry's argument or how persuasive his eloquence could make that illogic appear. He argued that the British government was based upon an agreement between the King and his subjects with reciprocal rights and duties. If one party failed to perform his duty the other party was discharged. Since the 1758 Act was a perfectly good act when the King had disallowed it he violated the agreement. He therefore ceased to be the father of his people; he had degenerated into a

tyrant and therefore his subjects no longer had a duty to obey him. Further, the only use to society of an established church and clergy was to enforce obedience to civil sanctions. When the clergy ceased to answer to those ends the community has no further need of their ministry and may justly strip them of their appointments and right to any compensation. The clergy of Virginia in this particular instance in refusing to acquiesce in the valid law in question had failed to answer those ends and had most notoriously counteracted the great ends of their own institution. Mr. Maury, instead of being considered worthy of a damage award, should be punished with signal severity for having brought this action. The plaintiff Maury's own reaction to young Henry's unexpected assertions was that

> "* * * the more sober part of the audience were struck with horror. Mr. Lyons (Maury's lawyer) called out aloud, * * * 'that the gentleman had spoken treason,' * * * 'that the gentleman had spoken treason,' * * * At the same instant, too, amongst some gentlemen in the crowd behind me, was a confused murmur of 'treason, treason!' Yet Mr. Henry went on in the same treasonable and licentious strain, without interruption from the Bench, nay, even without receiving the least exterior notice of their disapprobation."*

Before Patrick's argument a plaintiff's verdict for the full amount seemed certain. After his eloquent argument, most

* Maury, Mem. of a Huguenot Family, 418-424.

lawyers would insist a pettifogging argument, the jury, after deliberating only five minutes, returned a verdict for Maury in the amount of only one cent. By his oratory Henry had secured what seemed an impossible victory for his clients. Because his oratory had persuaded the jury to comply with his argument rather than follow the court's instructions, the court should have granted a new trial but for some reason, proper or improper, that didn't happen.

Because of the widespread interest in the Parson's Case, Henry's spectacular oratory and almost miraculous verdict, Henry became known to almost everyone in his part of Virginia as a most resourceful lawyer who, by his oratory, could turn hopeless cases into victories. As might be expected, this had a substantial and salutary impact on his law practice. Of more importance to his place in history because of it his political career was also launched. Soon after he was elected to the House of Burgesses.

Shortly after his election Parliament enacted the infamous Stamp Act of 1764. For years about a dozen aristocratic, mostly Tidewater, families had dominated and maintained a tight control over that body. In the House of Burgesses at that time political clout was almost directly measured by wealth, family connections and education, none of which young Henry had. The policy of these leaders during the then existing crisis was to

counsel patience and toleration toward Britain and to urge the other members to avoid any confrontational declarations or activities. They felt strongly that their long range interests were aligned with those of Britain and they felt confident that somehow a satisfactory settlement of the existing difficulties would be arranged permitting them to return to their comfortable and prosperous way of life.

Imagine the shock and chagrin of these distinguished and dignified patricians when the roughly dressed and youthful Henry, in one of his first actions as a member of the House, without consulting any one of them, challenged their control by moving the adoption of resolutions which if adopted would substantially alter their declared policy on the most delicate problem of the time, their relations with Britain.

The thrust of the first four of Henry's resolutions while bold was not radical. In essence they declared Americans had rights equal to those held by Englishmen including the right to be taxed only by their duly elected representatives. It was the radical fifth resolution which shocked the patricians. It provided: any attempt to deprive Americans of that right destroyed American freedom; Americans would not be bound by any law not enacted by their elected representatives; anyone disputing such rights was "an enemy of his Majesty's colony". Prior to the proposal of Henry's resolutions the influential

Virginians had agreed on a policy of trying to persuade Parliament from passing the Stamp Act but they recoiled at the idea of asserting that a British Parliament had no power to enact such taxing legislation. No one to that date had gone so far as to use the word "enemy"* in referring to the British government, which all Virginians, and particularly the patricians, still regarded as their government.

What this poorly-dressed, rustic was urging was itself dangerous enough. But more important, he was attempting to strip them of their leadership and in effect to establish himself as the leader of the House. He needed to be taught his place. The power of the Randolphs, Pendletons, Wythes, Nicholases and other leaders was immediately marshalled against him and his resolutions. Little did they realize that their harsh and solid opposition would evoke from that young rustic one of the most famous political orations in American history. Henry, even in his old age after all his laurels of which there were certainly many, considered his speech regarding the Stamp Act as perhaps his finest hour.

The patricians were reassured in their smug confidence when young Patrick began his argument. He was awkward and seemed to

* At least one scholar asserts the resolution containing "enemy" was not offered but was publicized as though approved. Beeman, Patrick Henry, pp. 36-41.

stumble. Particularly in his younger days he frequently commenced a speech hesitatingly and awkwardly. Like a cold automobile engine he sputtered and hesitated until his oratorical engine was thoroughly warm. Then the torrent of words which would earn him the name "Man of Thunder" would come. Jefferson, who was then a young student and not a member, heard Henry by standing in the doorway, was impressed and later reported:

> "* * * torrents of sublime eloquence from Henry, backed by the solid reasoning of Johnston, prevailed. The last, however, and strongest resolution was carried by but a single vote. The debate on it was most bloody."

> "He [Henry] reasoned upon the chartered rights the colony; he unfolded the written grants of English monarchs, even in an age of servitude, and showed the clauses guaranteeing the privileges of America. He explored the depths of the British Constitution, and, by long-established precedents, proved the connection between taxes and the free consent of the people; then, leaving charters and human conventions, he entered upon an inquiry into the natural rights of man, and announced doctrines then almost unheard, but which have since become the basis of our government." *

Obviously only those who were of that time and place and who were present to see and hear him were capable of

* The True Patrick Henry, Morgan, pp. 96-97.

appreciating the dynamism of Henry's oratory and accurately appraise its impact. We for whom oratory has lost its appeal and who are far removed by time, customs and values cannot possibly judge it accurately. We don't even have the benefit of his exact words, let alone the impact of his voice, his gestures, his whole personality. All we know is that in that age when oratory was highly valued, and therefore widely and intensely developed, Henry as an orator stood head and shoulders above all others.

Just as crude parodies have spoiled for all of us many jewels from our literature, the many gross parodies of Henry's famous speeches make it additionally difficult for us to appreciate the attraction they must have had for those who heard them delivered by Henry. Because they have been parodied the most, Henry's famous final words of his treason speech have suffered the most. After talking with people who heard him, one historian attempted to recapture their drama with this description:,

> "* * * In a voice and with a manner that startled those even who were aware of his virile nature and masterful tongue, Henry said:
>
> "'Tarquin and Caesar had each his Brutus, Charles the First his Cromwell, and George the Third---' He paused.
>
> "'Treason!' came in a shout from the Speaker, high on his dais. 'Treason! Treason!' cried many Burgesses.

"Then, in no haste, but with impressive access of dignity--growing visibly taller, until he seemed the very embodiment of resolute manhood--he spoke his final words:

"'-----may profit by their example! If this be treason, make the most of it.'" *

Believing the matter concluded and all in a day's work, Henry left town, probably to try a lawsuit in another county. As soon as he was safely out of the way, the patricians, who were correctly convinced that some members had found the courage to vote against them only because they were temporarily under the spell of Henry's oratory, by motion caused the fifth resolution to be expunged from the record. The official record regarding the adoption of that Resolution has not been found to this day.

Henry rarely preserved any of his personal papers. Probably because some of his detractors asserted that he had not written the resolutions himself, he departed from his custom and left a copy of them with a note which in part read:

* * * All the colonies, either through fear, or want of opportunity to form an opposition, or from influence of some kind or other, had remained silent. I had been for the first time elected a burgess, a few days before, was young, inexperienced, unacquainted with the forms of the house, and the members that composed it. Finding the men of weight averse to opposition, and

* Ibid., pp. 97, 98

> the commencement of the tax at hand, and that no person was likely to step forth, I determined to venture, and alone, unadvised, and unassisted, on a blank leaf of an old law-book wrote the within. Upon offering them to the house, violent debates ensured. Many threats were uttered, and much abuse cast on me, by the part for submissions. After a long and warm contest, the resolutions passed by a very small majority, perhaps of one or two only."*

Jefferson, referring to this speech, said: "Mr. Henry certainly gave the first impulse to the ball of Revolution". Edmund Randolph, who himself was not always friendly with Henry, said: "On May 29, 1765 Mr. Henry plucked the veil from the shrine of parliamentary omnipotence". And Woodrow Wilson opined Henry's words "Were the first words of a revolution and no man even thought just the same after he read them".

The ten years between the "treason" speech and his more famous "Give me Liberty" speech were years of successful law practice as well as greatly increased political stature. He moved to Louisa, probably seeking a better law practice and thereby better fees. While he resented the arrogance of those with wealth, he would have liked nothing better than to be as wealthy as the richest of them and spent much of his energy trying to achieve that goal. But he never assumed all the manners of the wealthy. In fact, he seemed to enjoy flounting

* Life of Patrick Henry, Wirt pp. 75-76.

the respect shown for such things as fine clothes by choosing to hunt on the way to court and by appearing in court rooms in his hunting clothes covered with mud and sometimes with them exuding the odors of the hunt. He always seemed to enjoy the practice of law and never complained of the difficulties of riding circuit, but he realized that the law alone would not bring him the wealth he desired and at all times he took interest in other investments, particularly western lands.

In the 1760s the Baptist Evangelical revival swept through Virginia threatening the special alliance of the Church of England and the State. Influential Virginians were also apprehensive that the Baptist religious fervor would foment an unwanted unrest among the slaves. Henry, at some risk to his political and professional position, courageously joined liberal groups in supporting the rights of the Baptists. About this time he also wrote on the inconsistencies between Christianity and slavery, including an attempt to explain how he could condemn slavery so strongly and yet be an owner of slaves:

> "Would one believe that I am master of slaves of my own purchase. I am drawn along by the inconvenience of living without them. I will not, and cannot justify."

While a parvenu defiant of convention, like many other

prominent Virginians, he followed the path of least resistance on the issue of slavery.

As the Townshend Acts, the Boston Tea Party and other events increased animosity for Britain, the colonists organized their first convention to include delegates from all the states. Henry, now very important politically, was made a Virginia delegate and rode to Philadelphia with Washington and James Pendleton, a prestigious lawyer. At the first meeting he met for the first time John and Sam Adams and other prominent patriots who, like Henry, were now convinced that to win freedom and liberty war was inevitable. There was immediate mutual respect between the two Adams and Henry and they remained good friends the rest of their lives. Prior to the convention Jefferson, who was prevented from attending, sent to Henry his "Summary View of the Rights of British America" which has become recognized as an important writing in revolutionary literature but strangely, Henry never even acknowledged it and did nothing with it. Much tamer sentiments than Jefferson's were adopted by the convention the approval of which left Henry and his new friends very dissatisfied. Henry was also unhappy that the convention declined to adopt his recommendation that voting by the delegates in the convention would be on a proportional rather than on a unit basis. By adopting the contrary plan that each state, regardless of its size or population, would have one vote, they set a precedent which

came close to causing the Constitutional Convention of 1787 to end in failure.

Less than a month before the first shots of Lexington and Concord were heard Virginians who hoped for reconciliation with Britain were certain that any colonial action resembling preparation for war would only exacerbate existing animosities and completely terminate any prospect for peace. For them to say we should prepare for war was the same as saying war with Britain was inevitable. Among this group were many of the same distinguished Virginians who were shocked by and voted against Henry's resolutions regarding the Stamp Act.

On the other hand Henry and his friends, who were certain that war was inevitable, were much distressed that all the colonies, and particularly Virginia, were so woefully unprepared for armed conflict. This was the state of affairs when a meeting of the Second Revolutionary Convention of Virginia was called for March 20, 1775. Henry felt strongly it was time for action. He put the fat in the fire just as he had done earlier regarding the Stamp Act. He prepared resolutions setting forth the positions he believed should be adopted, one of which called for immediate mobilization for war:

> "**Resolved, therefore,** That this colony be immediately put into a posture of defence; and that . . . be a committee to prepare a plan for embodying, arming, and

> disciplining such a number of men as may be sufficient for that purpose." (p. 183 - Morgan.)

When that resolution was read, the conservatives were stunned and agitated just as they had been by the reading of Henry's "enemy" resolution at the time of the Stamp Act.

Although this was a Virginia convention, Henry's resolution was tantamount to a declaration of war. He argued, we must stop this prattle that some peace will be accomplished. No peace is possible. War is here. This convention must recognize that hard fact and make preparations for that war. Henry was intolerant of the arguments that preparation was "premature". Perhaps his thinking was ahead of most Virginians, but he was solidly confident that he was right. As Jefferson, fifty years later, said:

> "* * * 'After all, it must be allowed that he was our leader in the measures of the Revolution in Virginia, and in that respect more is due to him than to any other person. . . . He left us all far behind.'"

Richard Henry Lee, almost always supportive of Henry in his radical positions, seconded the resolutions. Then Henry made his most famous oration, in which he exhorted his fellow citizens to abandon their illusions that peace was possible, to recognize that the presence of British forces on American soil

was not evidence of friendship, that if Britain's arrogance was not challenged the colonists would forever be inferior citizens. He concluded with his famous words:

> "'* * * Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat but in submission and slavery. Our chains are forged. Their clanking may be heard on the plains of Boston. The war is inevitable. And let it come! I repeat it, sir; let it come!
>
> "'It is in vain, sir, to extenuate the matter. Gentlemen may cry peace, peace--but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we idle here? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!"*

In the intervening almost 200 years this famous speech has been revered, ridiculed and hackneyed. In this more sophisticated time it is difficult for us to believe that it could have had the impact ascribed to it. But in those less cynical days one listener could report:

> "'Henry arose with an unearthly fire burning in his eye. He commenced somewhat calmly--but the smothered excitement began to play more and more upon his features, and

* Patrick Henry, Tyler, p. 145.

> thrill in the tones of his voice. The tendons of his neck stood out white and rigid like whipcords. His voice rose louder and louder, until the walls of the building and all within them seemed to shake and rock in its tremendous vibrations. Finally his pale face and glaring eyes became terrible to look upon. Men leaned forward in their seats with their heads strained forward, their faces pale and their eyes glaring like the speaker's. His last exclamation--"Give me liberty, or give me death"--was like the shout of the leader who turns back the rout of battle. When he sat down, I felt sick with excitement. Every eye yet gazed entranced on Henry. It seemed as if a word from him would have led to any wild explosion of violence. Men looked beside themselves.'"*

Regardless of what may be said about it today, it was undoubtedly precisely the right speech for that place and time. His words ignited and united the country as no others had. Virginia politicians of that period placed a high value on oratorical skills. It was therefor a period known for the abundance of forensically illustrious statesmen. Yet it was this speech of Henry's that all his contemporaries considered the very best ever delivered. As a result, Henry's fame was no longer limited to the state of Virginia. He was now known throughout the country as one of the most influential leaders among the American patriots and their most brilliant orator. Soon after, this hero worship was enhanced by an incident of an entirely different order.

* Patrick Henry, Tyler, p. 146.

Britain had already outlawed the export of any gunpowder to the colonies. To strip them of what powder they possessed, Britain designed a concerted action pursuant to which British soldiers would, at a designated time, April 19 and 20, 1765, descend upon every military installation in the colonies and strip them of all their war material. Pursuant to this plan a body of British Marines from the Schooner Magdalen came into Williamsburg in the middle of the night and took possession of the small quantity of powder stored in the Virginia public magazine.

This action, plus the news of Lexington and Concord, which was probably precipitated by the Boston facet of the same concerted action, caused the Virginia populace to be outraged. The leaders in Williamsburg promptly entered into negotiations with the British Governor and arrived at a compromise that the powder would be returned when needed which seemed satisfactory to them. It was entirely unsatisfactory to Henry. He, who prior to that time had no military experience, made what had been the dormant Independent Company of Hanover into a fighting unit and by his oratory convinced its members that it was time to show Britain some force. He then led them in a march on Williamsburg. That such an important personage as Henry would participate in, and even lead, such a campaign was spectacular and attracted many volunteers all along the march. The Williamsburg group, surprised and displeased by Henry's

boldness, dispatched messages begging him to desist. But Henry was resolved to make his point and he persisted in doing so. The British Governor, wanting no confrontation, almost apologetically hurried emissaries to meet Henry carrying cash to make full payment for the powder taken. While he would rather have regained possession of the powder, Henry apparently believing he had made his point, accepted the money on behalf of the State. That a political figure of Henry's stature would organize and lead such an armed expedition brought him even more admiration which Governor Dunmore himself further enhanced by issuing a proclamation condemning Henry by name and ordering the citizens not to support him in his "illegal acts". Henry was now a hero to all Virginians and to many citizens in the other states.

Because of his great popularity in Virginia, which now rivaled that of Washington, and not because of any proven military ability, the Virginia Convention, perhaps with more affection than good judgment, elected Henry Colonel of Virginia's First Regiment and the Commander-in-Chief of all Virginian troops which included those in Regiment II headed by a Colonel Woodford.

The Committee of Safety, created by the Convention to conduct the war effort between sessions of the Convention, was headed and controlled by James Pendleton, who was the leader of

the patricians who were opposed to Henry's demands for action during the preceding few years. Pendleton kept Henry and his regiment grounded while freeing Woodford who became a hero by defeating British forces which up to that time had been freely marauding the Virginia countryside. This was a severe wound to Henry's pride. Woodford then added to Henry's embarrassment. When Henry, assuming the authority as Woodford's superior officer, courteously questioned Woodford about his failure to make reports to him, Woodford with brutal frankness advised Henry that he would report to no one but the Committee or the Convention itself. Both men stated their positions to the Committee clearly and asked for a resolution of the conflict which the Committee under Pendleton's domination resolved in favor of Woodford. His position being untenable, particularly for such a proud man, Henry was forced to resign probably just as Pendleton had planned. Henry's resignation was a crucial point in his career. While he did attend the second Continental Congress in August, 1775, the record shows he was a silent member and from then to the end of his career he devoted himself exclusively to Virginia affairs abjuring activity of any kind in national affairs. If his life had taken a contrary turn Henry might very well have earned as prominent a place in history as Madison, Hamilton and other greats of the period. Commencing that phase of his life when his interest would be purely provincial, he accepted an appointment as delegate to Virginia's second convention to convene May 10, 1776 in St. John's Church in Richmond.

By that time the colonists had adamantly and repeatedly declared their absolute refusal to comply with any taxation legislation imposed upon them by Parliament. No taxation without representation had been their adopted slogan too long to permit them to retreat from that position. On the other side of the Atlantic the King was equally adamant. From his throne he had solemnly declared the colonists would be forced to submit to Parliament enacted taxes. It appeared certain that the clash could only be resolved by armed conflict.

Although Henry had been agitating constantly for a more affirmative position toward Britain he wisely believed there should be no declaration of independence until all the colonies joined in the declaration. As soon as the Convention was in session Henry argued for and secured the adoption of a resolution urging the Continental Congress to declare the independence of all the colonies. On June 12, 1776 Henry and his cohorts also secured the approval of a Declaration of Rights for Virginia, which was a complete blueprint for the Declaration of Independence. As important as any section of the declaration, was a bold freedom of religion section written by Henry whose oratory also won its adoption over strong opposition from the conservatives. While this was a giant step for religious liberty everywhere it must be pointed out that Henry's religious tolerance was motivated by economic rather than philosophic or libertarian factors. He believed Virginia

would not develop economically if it depended upon slave labor and that to achieve growth and prosperity Virginia should encourage the immigration of European artisans and mechanics like Pennsylvania had done by assuring them they would not be restricted in practicing their own religions.

Henry and his cohorts also secured the adoption of an entirely new constitution for the government of Virginia with strong democratic features such as an annually elected legislature. Although at that time there was a plethora of highly-qualified Virginians in public life, any one of whom would have been perfectly qualified and willing to serve as Virginia's first governor, it was Henry who was promptly elected by a substantial margin.

Henry's first year as governor was a year of despair in Virginia and throughout the country. About the time Tom Paine was writing "These are the times that try men's souls", the leaders of Virginia's new assembly were so fearful that activities of the fragile new state government might be so disrupted by the war that they gave consideration to giving Henry absolute dictatorial power. To his credit there is no evidence that Henry took part in any such activity. His unanimous re-election as governor the next year seems to confirm that Virginians knew that Henry gave no personal support to any idea of dictatorship.

In spite of his demanding duties as war governor he had time during this period to romance and marry a girl the age of his daughter who before his death gave birth to eleven more Henrys, his first wife, who had given him six, having died about the time of his military disappointment.

During his second term as governor, Henry proved his loyalty to his friend Washington. He received an anonymous letter which argued that Washington's ineptness was the cause of America's defeats and that he should be replaced by General Gates or some other general. The writer solicited Henry's aid in the plot. Henry's immediate reaction was to send the letter to Washington with a very supportive letter detailing his great admiration for and confidence in Washington as Commander-in-Chief. Obviously very appreciative of Henry's warm support Washington responded with thanks and with the surprising suggestion that the author of the plot was probably Dr. Benjamin Rush of Philadelphia.

After Henry had been unanimously elected to and had served a third term as Governor, most Virginians wanted him to continue but Henry insisted the provision of the new constitution prohibiting a fourth term should be fully honored and Jefferson became Virginia's second Governor.

Only two weeks after leaving the governor's chair Henry was

made a delegate to the Continental Congress. He refused to serve just as he declined every subsequent offer to serve in any capacity in the national government. Henry now turned his enormous energies to the Virginia Assembly, serving on many hardworking committees and retaining his almost complete dominance of that body. In November, 1784, while still an assemblyman, he was again persuaded to become governor. This time he served two consecutive terms until November, 1786, when he declined a sixth term.

It was during this period that political differences between him and Jefferson and Madison erupted into open warfare. They now were on opposite sides of every issue. Henry had never liked Jfferson or his ideas and he now saw Madison as Jefferson's man. Jefferson and Madison, convinced additional revenues were essential to the fiscal health of the new commonwealth were frustrated in all their attempts to increase taxes by Henry's control of the assembly. This added to Henry's already great popularity but also caused Virginia's currency to be devalued and its credit lowered. Jefferson and Madison also made attempts to democratize certain provisions of Virginia's first constitution which had been hurriedly written and approved but Henry fought and defeated all these attempts. Relations between Jefferson and Henry were further exacerbated when sufficient evidence surfaced to convince Jefferson that Henry was a prime mover in the demands for an investigation of

Jefferson's performance as a wartime governor between Henry's terms.

Henry was labeled a radical in the pre-revolution days, not because of his social or economic views but solely because of his constant agitation for a faster pace to independence than conservatives were willing to tolerate. In fact he was never a radical, or even a liberal, as those terms might be used today. If anything he would be considered a conservative..

While he was governor he again demonstrated that his motives with reference to religious liberty were not libertarian. Concerned about what he perceived to be a breakdown in morality, he became convinced that virtue could only be restored by forcing all citizens to attend religious services. Using all his resources and every possible stratagem he tried every year for a number of years to secure legislation establishing State support of religion. While he believed every citizen should be free to choose his religious faith, no citizen had a right to have no religion. Pursuant to one of his proposals every citizen would be forced to pay a tax for the support of the churches of the state. The citizen could determine which church would receive his tax dollars but no citizen, regardless of his non-religious views, could avoid the tax. Madison, who was then a leader in the Assembly, not only defeated every one of Henry's proposals but ultimately secured

the passage of Jefferson's famous religious liberty statute of which Jefferson was so proud which had been introduced ten years earlier but until then had failed adoption.

Any uncertainty in Henry's mind regarding the new federal constitution was erased when the Jay treaty of 1785 restricted the colonists access to the Mississippi. Even though the treaty never became effective, it confirmed his fear of what a strong national government under the influence of commercial interest of the northeast could do to the agricultural south.

His terse refusal to be a delegate to the Constitutional Convention in May, 1787, strongly indicated his disinclination to be supportive of any new constitution that might be its product. He feared that those who were so unhappy with the weakness of the Continental Congress, because it had no power to tax or regulate commerce, would be so intent on making the new national government strong that the individual states would irrevocably lose their autonomy.

Immediately after the close of the Convention, Washington, being very well aware of Henry's political influence and knowing that Henry's oratory would be a very substantial factor, if not the controlling factor, in the ratification debate in Virginia, sent a copy of the Constitution to Henry with a conciliatory letter soliciting Henry's support, to which

Henry respectfully but firmly replied in the negative. Henry was convinced the new government could not succeed without the most important state of Virginia. He was confident Virginia could dictate the terms on which it would join, the most important being a provision for a second convention in which the power of the national government would be made subservient to the States. Anticipating the fight over ratification, Henry marshalled all his political influence to secure anti-ratification delegates to the Virginia convention.

But the dissatisfaction with the old Articles was so widespread, and the desire for a national government was so strong that proponents boasted that they had fifty more votes than the Henry forces at the start of the Virginia ratification Convention. The only real question was whether Henry's oratory and powerful influence could change a sufficient number of those votes to defeat ratification. Henry probably believed he could get the job done. With him in the debate would be James Mason, as sagacious as any one of the framers, who after taking an important part in the convention announced he would be forced to work against its ratification. Young Edmund Randolph, now Virginia's Governor, had taken the same position but before the Virginia convention Madison had persuaded his protean friend to favor ratification, but Henry would also have the support of Harrison, Monroe, Tyler and others. For ratification Madison would have the help of Pendleton, Randolph Marshall, Wythe and others.

Henry's main propositions were: the Constitutional Convention had exceeded its authority because it had only been authorized to propose amendments to the old Articles; the entire matter, including a Bill of Rights, should be resubmitted to a second convention; the liberty of the people would be lost because there was no Bill of Rights guaranteeing those liberties; the states, particularly Virginia, would be swallowed up by the unrestrained national government; the President had too much power ("it squints toward royalty"). All his objections were really variants of his fundamental proposition that the new government endangered the rights and the liberties of the people.

Henry took the floor of the convention on eighteen of its twenty-three days, on several days making three speeches and on one day five speeches, and on another eight. One speech lasted seven hours. Day after day he thundered liberty, liberty, liberty, but there were limits to even Henry's power as the great orator. When the final vote was taken on the 25th of June, the proponents prevailed 89-79. While amendments were also adopted, ratification was not conditioned on their adoption as urged by Henry.

Henry ostensibly accepted defeat graciously, asking forgiveness for taking up so much time of the convention as well as for his intemperate words, adding,

"I will be a peaceable citizen, my head, my hand, and my heart shall be at liberty to retrieve the loss of liberty, and remove the defects of that system in a Constitutional way."

Although his defeat in the ratification issue points to the contrary, it was just at that time in 1788 that Henry's political power and particularly his control of the Assembly was most complete causing the normally restrained Washington to opine: "He has only to say let this be the law and it is the law".* For several years he used that political power and his oratory to frustrate the operation of the new national government and to restore power to the states.

He substantially controlled all appointments from Virginia to the new national government, including the two Senators. He of course eschewed such an appointment for himself. He knew Madison very much wanted to be a Senator in order to help get the new government started on a sound basis. He also knew Madison was better qualified and more deserving of such an appointment than any other Virginian. But Henry insisted on two strong antifederalists being appointed. The term gerrymander might have been coined Henrymander because he then had the assembly set the limits of Madison's district to make it most difficult for Madison to be elected to the House.

* Patrick Henry, Beeman, p. 167

A little later he adopted an "I told you so" attitude when Hamilton, with Washington's acquiescence, converted the new government into a what Henry deemed to be a strong national pro-business state just as he had predicted, but he refused to join Jefferson and Madison in their new Republican party to oppose Hamilton's program. Washington then did his best to woo him to the Federalist* side by offering him an appointment as Secretary of State, and later one as Chief Justice, both of which Henry declined. Later Washington offered him, and he refused, appointments as ambassador to Spain and to France.

Henry then devoted his extraordinary abilities to accumulating wealth through his now very lucrative law practice and his very profitable land speculations. Before his death he undoubtedly had attained his goal of being one of the wealthiest men in Virginia.

Shortly before his death, either because of his animosity toward Jefferson and Madison, his affection for Washington, or perhaps for philosophical reasons, he finally was persuaded to join the Federalist's cause. At the time of the Alien and Sedition laws controversy, he died on June 6, 1799 while campaigning for a seat in the Virginia Assembly in order to

* Previously the term Federalist denoted one who favored a strong federal government. It now is used to denote a follower of the political party of Washington, Hamilton and others.

oppose Madison, whom he now hated, in his efforts to secure the adoption of the Virginia resolutions condemning those laws.

If this great orator had joined Washington and Madison as Virginia's delegates to the Constitutional Convention, and participated in structuring that great document or if he had added his great talents to those of Hamilton, Madison and the other working architects of the new government, his name would undoubtedly be more prominent in the history books. Instead, Patrick Henry chose to be and was the most important voice in the most important State in one of the most important if not the most important periods of our history, which was no mean achievement.

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